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Laura Daniele

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EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,971

Applicant(s)

DANIELE ET AL.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) 4-6 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Response To The Applicant's Election

Applicant herein elects claims 1-3 and 7-22 without traverse. The restriction requirement has been made final and the Applicant is required to cancel the non-elected claims in a future correspondence.

DETAILED ACTION

Specification

On page 2 of the specification, "Background of the invention" should be replaced with "Field of the invention" since the disclosure included therein is more appropriate for "Field of the invention". Hence, the Applicant should provide another "Background of the invention" in which the status of the prior art is being discussed.

Claim Status

Claims 1-26 are pending. Claims 1-3 and 7-22 are elected for prosecution after an election without traverse and claims 4-6 and 23-26 are withdrawn from further consideration.

Claim Objections

Claims 1 is objected to because of the following informalities.

Concerning claim 1, step (d), "...credit" should apparently be ----credits----.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 14 is rejected under 35 USC 112, second paragraph as being indefinite for using the auxiliary verb “can”.

Regarding claim 1 (including its dependent claims), the phrase "and the like" renders the claim indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-3 and 7-22 are rejected under 35 USC 102(e) as being anticipated by Crevelt, USP 5,902,983A.

As per claims 1-3 and 7-22, Crevelt discloses a gaming system including an apparatus necessary for sending requests to and receiving authorizations from an EFT system (over a network or a barter network). Requests for credit are limited to a preset amount so that when a player uses an EFT transfer to obtain playing credit, that credit will be limited to no more than a specified amount (receiving a first amount of money or barter units for an identified user or player using an ATM card over an ATM network or barter network and converting the first amount of money into playing credits for the identified user or player, wherein the playing credits allow the user or player to play a game and wherein the playing credits are stored in a database or memory for later retrieval-block 118 of fig. 4 and block 138 of fig. 5). In practice, the player inserts his or her ATM card (debit card), keys in a PIN number, requests playing credit, and receives the preset amount of credit, which can be converted to plays on the gaming machine.

The present system provides a gaming machine for allowing a player to transfer funds or barter units from a remote funds repository (e.g., a bank) via an electronic funds transfer system, over a network (barter network), and for converting the transferred funds into play credits on the gaming machine. The gaming machine may be characterized as including the following features: (1) a game controller for controlling the play of a game; (2) a gaming machine interface for connecting the game controller to the electronic funds transfer system over a network; and (3) a player interface connected to the gaming machine interface. The player interface is capable of verifying the player's identity and identifying an account held by the player at the remote funds

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repository. The gaming machine interface is capable of at least (i) transmitting signals requesting playing credit not exceeding a preset amount to the remote funds repository, and (ii) receiving signals authorizing playing credit in the preset amount for the gaming machine from the remote funds repository (col. 2: 50-67)

The game controller preferably includes a processor and associated electronics for controlling the plays of a gaming device, interacting with player inputs, and providing results of a play. Thus, the game controller for a slot machine might control display of simulated rotating slot reels in response to the player initiating a play. The game controller also provides electronic signals indicating whether the player **has won or lost, and if the player won, the payout size**. The game controller operates in a similar fashion for a video poker or keno machine, as well as for other types of electronic gaming devices (col. 3: 1-11)

In preferred embodiments, the gaming machine interface includes functionality allowing it to request an electronic deposit of a payout from the gaming machine to the remote funds repository. Thus, such gaming machines can conduct electronic funds transfers in two directions: (1) depositing winnings from the gaming machine, and (2) withdrawing funds for use as gaming machine playing credit (deducting play credits from the user's account when the user loses a game and adding credits to the account when the user wins a game-col. 3: 12-18)

Preferably, the player game interface includes a card reader for reading encoded information from a credit card or a debit card, a keypad for allowing the player to key in information (e.g., a personal identification number), and a display for displaying information pertaining to, at least, playing credit for the gaming machine. These items are widely available

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for various point of sale EFT applications and may, in accordance with the present system, be integrated into the gaming machine housing (col. 3: 19-27)

If a player wins, the gaming machine may be used to transfer **a payout to the player's account at the remote funds repository**. The method by which the gaming machine accomplishes this may be characterized by the following steps: (1) determining that a player has requested that the payout be transferred to the player's account at the remote funds repository; (2) transmitting a request via the electronic funds transfer system to deposit the payout to the player's remote funds repository; and (3) if the gaming machine receives a transfer authorization from the remote funds repository, completing the transfer. Should the gaming machine fail to receive a transfer authorization from the remote funds repository (possibly because the particular EFT system involved is not set up to accept deposits), the gaming machine will make the **payout in cash or credit directly to the player** (col. 3: 56 to col. 4: 4)

In yet another aspect, the present system provides a gaming machine, which, like the machine described above, allows a player to obtain playing credit from a remote funds repository via an electronic funds transfer system. In this aspect, however, the machine first **converts the transferred funds or barter units to tangible indicia of playing credit**. Examples of such tangible indicia include a coupon for playing credit and a casino issued encoded card. While gaming machines issuing such tangible indicia are similar to the machines described above, they should have a player interface capable of (a) issuing the tangible indicia of playing credit, and (b) converting the tangible indicia of playing credit to actual playing credit on the gaming machine. Thus, the gaming machine may include a coupon issuing mechanism or a card encoder for encoding playing credit on a card issued by an establishment which controls the gaming machine

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(e.g., a casino). Preferably, the player interface also includes a card reader for reading encoded information from a credit card or a debit card. The player uses such credit or debit card as described above, **but when the playing credit is transmitted to the gaming machine, it must first be converted to one of the tangible indicia described above (col. 4: 5-26)**

A player interface 12 coupled directly to gaming interface 10 provides the mechanisms necessary for a player to initiate the funds transfers to and from EFT system 11. The player interface 12 may include a card reader 14, a display 18, and/or a key pad 16. Card reader 14 preferably can read encoded information on a debit or credit card. Suitable card readers can be obtained from various vendors such as Panasonic Corporation of Japan and Peripheral Dynamics, Inc. of Plymouth Meeting, Pa. The key pad 16 may be used to key in personal identification numbers (PINs) and any other information necessary to initiate and complete electronic funds transfers. Preferably, though not necessarily, it is a DES encryption PIN pad available from such sources as International Verifact of Toronto, Canada, Verifone of Redwood City, Calif. Preferably, the display 18 is a LED, LCD, vacuum fluorescent, or dot matrix alphanumeric display (having, e.g., a sixteen character, fourteen segment display) which displays information relevant to electronic funds transfers. Such display information might include, for example, a prompt to enter a personal identification number, a notice that a credit transfer was authorized, and an amount of the authorized transfer. Suitable displays may obtained from various vendors such as Futaba of Japan (col. 5: 41-62)

FIG. 4 illustrates the process by which a gaming machine and associated electronics are used to request and receive playing credit via an electronic funds transfer system in accordance

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with the present system The process begins at 100 and then, in a step 102, a gaming machine detects that a player has inserted his or her credit or debit card into a reader device. Next, in a step 104, the gaming machine detects that the player has entered his or her PIN on the key pad 16. The system **then encrypts that PIN and uses it to verify that the card matches the PIN.** Step 104 may be optional, as PINs are often not provided with credit cards. Further, the debit or credit card itself may be replaced with some other identification/verification indicia such as a key, a SMARTCARD, an electronic button, a finger print imaging device, a retinal scan, combinations of any of these, combinations a credit or debit card and any of the foregoing, etc. SMARTCARDS generally describe cards having a computer processor for use in a secure payment system. In such systems, a PIN will be unnecessary (col. 9: 1-19)

Finally, it is understood that multiple game machines are linked together within a facility via a LAN and multiple game machines at multiple facilities are linked together via a Wide Area Network (WAN or the Internet), which links game machines at remote facilities that are geographically distinct 1 (col. 1: 28 to col. 2: 25).

Claims 1-3, 7-12 and 14-22 are rejected under 35 USC 102(e) as anticipated by James, USP 5,964,660A

As per claims 1-3, 7-12 and 14-22, USP 5,964,660A to James discloses a system relating to a computer game played over a computer network and capable of accommodating a large number of players. When the game is play on the Internet, players are able to input moves and be apprised of the state of the game using the basic input/output functions of their Web browser.

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Consequently, the game can be played with substantially no other game related software, plug-ins or add-ons. Another embodiment of the invention relates to the management of a game data base so as to compensate for the lack of game resources that a newer player has relative to older players that are likely to possess significantly greater game resources. Further, the virtual space of the game is highly expandable and updatable. In another embodiment of the invention a game is provided that couples game playing and advertising via a game currency that an advertiser can provide to a player and which can be used by the player in playing the game (See abstract; col. 3: 43 to col. 6: 34)

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

12/10/05

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER

